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The Closing Scene.

BY T. RUCHANAN READ.

The North British Review pronounces this poem the best that has ever been written by an American author:

Within this sober realm of leafless trees,
The russet year inhaled the dreamy air,
Like some tanned reaper in his hour of ease,
When all the fields are lying brown and bare.

The gray barns, looking from their hazy hills
O'er the dim waters widening in the vales,
Sent down the air a greeting to the mills,
On the dull thunder of alternate falls.

All sights were mellowed, and all sounds subdued,
The hills seemed farther, and the streams sang
As in a dream, the distant woodman hew'd low;
His winter log, with many a muffled blow.

The embattled forests, erstwhile armed in gold,
Their banners bright with every martial hue,
Now stood, like some sad beaten host of old,
Withdrawn afar in Time's remotest blue.

On slumb'rous wings the vulture tried his flight;
The dove scarce heard his sighing mate's com-
And like a star, slow drowning in the light, [plaint;
The village church-vane seemed to pale and faint.

The sentinel cock upon the hill-side crew;
Crew thrice, and all was stiller than before—
Silent till some replying wanderer blew
His alien horn, and then was heard no more.

Where erst the jay within the elm's tall crest
Made garrulous trouble around the unfledged
And where the oriole hung her swaying nest [young;
By every light wind like a censer swung;

Where sang the noisy masons of the eaves,
The busy swallows circling ever near,
Foreboding, as the rustic mind believes,
An early harvest and a plenteous year;

Where every bird which charmed the vernal feast
Shook the sweet slumber from its wings at morn,
To warn the reapers of the rosy east,
All now was songless, empty and forlorn.

Alone, from out the stubble piped the quail,
And croak'd the crow, through all the dreary
Alone the pheasant, drumming in the vale, [gloom;
Made echo to the distant cottage loom.

There was no bud, no bloom upon the bowers;
The spiders wove their thin shrouds night by night;
The thistle-down, the only ghost of flowers,
Sailed slowly by—passed, noiseless, out of sight.

Amid all this—in this most cheerless air,
And where the woodbine sheds upon the porch
Its crimson leaves, as if the year stood there,
Firing the floor with his inverted torch—

Amid all this, the center of the scene,
The white-haired matron, with monotonous tread,
Plied the swift wheel, and, with her joyless mein,
Sat like a Fate, and watched the flying thread.

She had known sorrow. He had walked with her,
Oft supped, and broke with her the ashen crust,
And, in the dead leaves, still she heard the stir
Of his black mantle trailing in the dust.

While yet her cheek was bright with summer bloom,
Her country summoned, and she gave her all,
And twice war bowed to her his sable plume;
He gave the sword, to rest upon the wall.

Re-gave the sword—but not the hand that drew
And struck for liberty the dying blow;
Nor him, who to his sire and country true,
Fell 'mid the ranks of the invading foe.

Long, but not loud, the droning wheel went on,
Like the low murmurs of a hive at noon;
Long, but not loud, the memory of the gone [tune,
Breathed through her lips a sad and tremulous

At last the thread was snapped, her head was bow'd;
Life dropped the distaff through his hands serene;
And loving neighbors smoothed her careful shroud,
While Death and Winter closed the autumn scene.

WOULDN'T ACCEPT ANY APOLOGY.—A droll story is related of an honest farmer, who, attempting to drive home a bull, got suddenly hoisted over the fence. Recovering himself, he saw the animal on the other side of the rails sawing the air with his head and neck and pawing the ground. The good old man looked steadily at him for a moment, and then shaking his fist at him, exclaimed—"Darn your apologies, you needn't stand there, you tarnal critter a bowin' and scrapin'—you did it a purpose, darn your ugly picture."

W. L. McKenzie was asked by an elector what he was worth. "Time was," said little Mac, "that I was worth a thousand pounds—at all events, that sum was offered for me, but it being in my opinion below the value of the article, I kept out of the way."

Every Man his own Lawyer—Self-Defence Triumphant—Allerton vs. Dodder.

At the last term of the Orange Co. (N. Y.) court a very queer case came before the court for consideration, which we find reported as follows in the Newburgh Gazette of this week:—

The People vs. James Allerton. This was a very interesting case, rendered so from the fact that the defendant acted as "his own lawyer" on the trial, without having the advantage of being one of the legal fraternity. His "summing up," of which we are able to give nearly a verbatim report, with the exception of the "acting," was decidedly rich, and afforded much amusement for the legal gentlemen present. The defendant, who is a small, red-haired, thin specimen of a Yankee, was indicted for an assault and battery on one Mr. Dodder. The facts, as divulged upon trial, are briefly as follows: The defendant is in the employ of the Mongaup Valley, Forrestburg and Port Jervis Plank Road Company as a toll gatherer, and resides upon the road, some miles above Port Jervis. He and the complainant, Mr. Dodder, are near neighbors.

On a Sunday in February last, the defendant saw the complainant, in the act of beating his (defts.) cows along the highway, and as an inducement for him to quit, hurled a few stones at him, one of which, as the complainant testified, struck him on the back of the neck.

The testimony being concluded, the defendant addressed the jury as follows:

GENTLEMEN OF THE JURY!—I don't know much about law, and since this trial has been going on I have concluded that I ought to know a little more. I ought to apologize perhaps for appearing in my own defence, and will do so by telling you, that I feed one lawyer, and hired another, in this case, but they both come up missing when I need them most. I suppose I might have secured the services of some of these other 'limbs of the law,' that I see around me, but having been cheated by two of 'em, I concluded to go it 'on my own hook,' and here I am! I want to tell you gentlemen, before I go farther, that it is not my fault that this case is here taking up the time of this honorable court. I think you will give me credit for telling the truth, when I say that it ought to have been tried before a Justice of the Peace, it being better adapted to the capacities of such a court, than of this one. After this difficulty Dodder did get a warrant for me from Squire Cudderback, over in Deepark. He then charged that I had insulted him, but five or six months has freshened his recollection, and he now says that I assaulted and battered him. I believe there is some difference between the two charges.

Dodder says that he swore to the complaint before Squire Cudderback, and I leave it for you to say whether he tells the truth now in saying that I battered him. I was taken by a constable before the Squire, and either because the Justice was ashamed of what he had already done, or had'n't time to attend to it, I don't know which, it went down. Two or three weeks after that I was arrested again, and my wife having been confined, I thought it best, as a dutiful husband, to be around him, so I got rid of it by giving security for my appearance to court.

You know gentlemen that I am in the employ of the Mongaup Valley, Forrestburg and Port Jervis Plank Road Company, as a gate keeper. This company it seems had sufficient confidence in my integrity and honesty to place me in that important station, and even if I should receive \$3,000 and steal \$1,500 of it, that's between me and the company, and its none of Dodder's business. Now when the company sent me up along the road to collect tolls this Dodder was one of the inhabitants I found there in the woods, and I will say for him that he is a very fair specimen of the rest of the popu-

lation. But there isn't any of them that seem to appreciate all the benefits of this plank road.

It let out to civilization a class of people who never before realized the idea that there was such a thing as civilized life, and this Dodder is one of them. It is a fact that soon after I moved there, a young woman, 17 years old, cum down out of the mountains on the plank road, one day, and said she had never been out before. She fairly seemed surprised to see a white man, and after asking a few questions went back into the woods. This Dodder was my nearest neighbor, and a good nearer than I wanted him, and I hadn't been there long, before I heard that he had been lying about me to one of the directors, and I soon found out that he wanted to get his son, who has sworn here against me, in my place. But he hasn't done it yet, and if you don't convict me I reckon he won't very soon.

It won't take long to dispose of Dodder No. 2. He testifies that he saw me throw three stones at his father, and saw the "old man dodge." On his cross examination he says that he was in his own house in the woods, and had to look over a hill twenty feet high, and also over three slab fences and two stone walls. Well, if he tells the truth, all I wish is that I had young Dodder's eyes. He is certainly a remarkable boy and can't consistently deny his father.

I am willing to admit that I done wrong to throw stones at Dodder, and I apologize to all the world and this court particularly, for it. The doctors tell us that there are two causes for all diseases, predisposition and excitability. I think it was the latter cause that moved me to stone Dodder. I therefore confess myself guilty of the assault, but the battery, I deny; and if you find me guilty of the battery, I will appeal from the decision to the Court of High Heaven itself before I will submit to it.

Now gentlemen, you saw Mr. Dodder and heard him swear against me. I asked him a great many questions, and I was sorry to hear him answer as he did. I might have asked him if he didn't kill my cat, and if he didn't stone my chickens, because they trespassed in his woods, where actually the rocks are so thick that the brakes can't find their way up through them; but then I knew he would deny it, and it would grieve me to hear him. He admits that he was driving my three cows up the road, and that he struck at one of 'em, but says that it was with a small switch. I have proved that this switch was a pole about 10 feet long and about 3 inches across the butt end, and I have also proved that when he struck the cow fell. It is true my witness couldn't swear that the stick hit her, he was so far off, but take the blow and the fall together, and we can guess the rest. If you gentlemen should see me point a gun at a man and pull the trigger, see the flash and hear the report, and at the same time see the man drop, I think you would say that I shot him, although you might not see the ball strike him.

Now, the fact is, gentlemen, that on Sunday, I was laying on my lounge in my house, when my wife said to me that Dodder was chasing my cows. I jumped up and pulled on my boots and went out of doors, and saw Dodder and the cows coming up the road.—It is true he says he wasn't driving them but says he and the cows was both going along the road in one direction, and this was as near as I could get him to the cows or the truth; but it is proved that the cows were going ahead of him, and he was following after them, striking at them, with this little switch, 10 feet long and three inches across the butt, and I reckon you'll think he was 'driving' them. I sung out to him, 'Dodder, stop!' but he didn't obey my order, and I just threw a stone in that direction, which went about ten feet over his head; at the same time going toward him, while he was coming toward me. He paid no attention,

and I sung out again, 'Dodder, stop!' still he didn't mind me, and then I threw another stone; but on he came, and on I went, and I threw the third stone, which he says hit him in the back of the neck, but which I think is rather strange, as we were going toward each other as fast as we could go.—But he never slacked up, and by this time we were within about eight feet of each other. I halted and hollered at the top of my voice, 'Dodder, why in — don't you stop!' about then he did stop, and raised this 10 foot switch, as if to strike me.—I sang out—'Mr. Dodder, look out! You may wollup my cows, but if you wollup me with that switch, you'll an animal that'll hook!'—[Here the orator made an appropriate gesture of the head, as in the act of hooking, which was followed with tumultuous shouts and laughter, that continued several minutes.]

Now, gentlemen, if you convict me, this court can fine me \$250 and jure me for six months, and if you really think I ought to be convicted of this assault, say so, for I am in favor of living up to the laws, as long as they are laws, whether it is the Fugitive Slave law, the Nebraska bill or the Excise laws. I will read you a little law however, which I have just seen in a book I found here—(the speaker here picked up a law book and read as follows:—) 'Every man has a right to defend himself from personal violence.'—Now I don't know whether that is law or not, but I find it in a law book, [a veteran member of the bar who was sitting near the speaker, remarked to him that it was good law.] Well gentlemen, here is an old man, who looks as if he might know something, and he says this is good law. Now if you will turn to Barbour something, page 399, you'll find that the same doctrine is applied to cattle—(great laughter.) Therefore I take it, I had a right to defend my cows against Dodder's 10 foot switch. Why, gentlemen, nearly all my wealth is invested in them 3 cows, and you can't wonder that I became a little excited when I saw Dodder switching them with his 10 foot pole. I am a poor man, and have a large family consisting of a wife and six children, which I reckon is doing pretty well for as small a man as I am, and I could not afford to let Dodder kill my cows!

Now, gentlemen, I don't believe you'll convict me, after what I have said. But if you do, and this court fines me \$250, 'I shall repudiate,' because I 'can't pay.' And if I'm juggled for six months, why these Dadders will have it all their own way up there. But notwithstanding all this, I am willing to risk myself in your hands, and if you think I ought to have stood by and not done anything, when I saw Dodder hammering my cows, why then I am gone in, toll gate and all.

It is true I am a poor man, but not a mean one. The name of Allerton can be traced to the May Flower, when she landed the pilgrims on Plymouth Rock, among the passengers was a widow, Mary Allerton, with four fatherless children, and I am descended from that Puritan stock; and from that day to this, there has never lived an Allerton who hadn't Yankee spirit enough to stone a Dodder for poling his cows. I'm done. (Here the laughing and shouting were exceedingly boisterous, in which all participated, and it was several minutes, despite the repeated cries of 'order, order,' by the court, before order could be restored. Our eloquent and usually unvanquished District Attorney, fearing to cope with so formidable an antagonist, merely remarked: 'It is a plain case,' &c., and left it to the jury, who promptly brought in a verdict of 'Not Guilty.' Mr. Allerton certainly deserves judicial promotion, and we move that he be appointed crier of the Court.)

Dr. Chillon, of New York, has tested a quantity of all kinds of oysters, and he has issued his certificate that he finds them as innocent and wholesome as ever before.